UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X

GOKHVAT HOLDINGS LLC,

Plaintiff,

-against- : 21 Civ. 2558 (LGS)

U.S. BANK NATIONAL ASSOCATION, et al., : ORDER

Defendants, :

.-----

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on June 24, 2021, Defendant filed a motion to dismiss in this case,

Dkt. No. 25;

WHEREAS, the foreclosure proceeding in New York State Supreme Court over the same property (the "State-court Proceeding") is ongoing;

WHEREAS, on October 19, 2021, in the State-court Proceeding, U.S. Bank filed a cross-motion to amend the complaint to substitute Gokhvat Holdings LLC for Gordons LLC as the defendant. It is hereby

ORDERED that, by **January 7, 2022**, Plaintiff and Defendant shall each file a letter not to exceed five pages single-spaced on whether abstention based on *Colorado River Conservation District v. United States*, 424 U.S. 800 (1976) is proper in this case. It is further

ORDERED that Defendant's motion to dismiss is DENIED without prejudice to renewal as either a motion to dismiss or a motion for summary judgment, pending resolution of the *Colorado River* abstention issue.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 25.

Dated: December 14, 2021

New York, New York

LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE